IN THE HIGH COURT OF JUDICAUTRE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 3684 OF 2004

Ramrao Yashwant Bhandare ... Petitioner

Vs.

The State of Maharashtra and Ors. ... Respondents

Mr. N.V. Bandiwadekar for Petitioner.

Mrs. S.S. Bhende, A.G.P. for Respondent Nos. 1 and 2.

Mr. A.V. Anturkar for R. No. 4.

CORAM : F.I. REBELLO &
S.P. KUKDAY,JJ.
DATED : FEBRUARY 25, 2005

P.C.

. Rule. Heard forthwith.

. The grievance of the Petitioner is that he is much senior to the Respondents and having held the post of Assistant Head Master was legitimately entitled to be appointed to the said post. Cancellation of the said appointment, it is therefore, submitted is illegal.

. On the other hand, on behalf of Respondent No. 4 it is pointed out that there are four posts of Head Masters in the school and two posts of Assistant Head Masters. All the posts of Head Masters are filled in by the persons from

non-backward class.

. Respondent No. 4 has filed an appeal before the School tribunal against the promotion of Petitioner that is pending. No interim relief was granted. The Petitioner had approached this court and interim relief has been granted. In our opinion, it will be proper that the appeal filed by the Respondent No. 4 is heard and disposed of where all the issues involved, the issue of reservation can be dealt with by the learned Tribunal.

. Considering the controversy, petition can be disposed of by directing the learned tribunal to dispose of the appeal within three months from today. Either Petitioner or Respondent NO. 4 is directed to file copy of this order before the learned tribunal. In the meantime, purely as a temporary arrangement, pending the decision of the Tribunal petitioner to continue to hold the post of Head Master so that the institution has a Headmaster. Rule made absolute accordingly. No order as to costs.

(F.I. REBELLO,J.)

(S.P. KUKDAY,J.)